

Message Text

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ACTION L-02

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R 210811Z JAN 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 7432

INFO AMCONSUL NAHA

COMUSJAPAN YOKOTA JA

C O N F I D E N T I A L TOKYO 0805

E.O. 11652: GDS

TAGS: MARR, JA

SUBJECT: IE SHIMA SHOOTING INCIDENT

REF: TOKYO 16829

SUMMARY: GIVEN POSSIBILITY THAT USG WILL NOT YIELD JURISDICTION IN IE SHIMA SHOOTING CASE AND THAT GOJ WILL NOT RETREAT FROM POSITION TAKEN THUS FAR, EMBASSY HAS ATTEMPTED TO ASSESS PUBLIC REACTION TO THIS FAILURE TO REACH AGREEMENT WHEN THAT FACT BECOMES KNOWN PUBLICLY AND IMPACT OF THAT DEVELOPMENT ON OUR SECURITY RELATIONSHIP. END SUMMARY

1. U.S. DECISION TO RETAIN JURISDICTION UNDOUBTEDLY WILL PROVOKE STRONG AND EMOTIONAL REACTION ON PART OF OPPOSITION AND CERTAIN ELEMENTS OF THE PRESS, ESPECIALLY ON OKINAWA WHERE IT WILL BE EXPLOITED AGAINST USE OF IE SHIMA RANGE. (UNFENCED RANGE WILL PROVIDE UNUSUALLY TEMPTING TARGET FOR OPPOSITION, PARTICULARLY AS EXPO DRAWS NEAR.) WITHIN DIET, INABILITY OF JOINT COMMITTEE PROCEDURE TO RESOLVE THIS PROBLEM MAY NOT ONLY SUBJECT GOJ TO CRITICISM BUT CALL INTO QUESTION SOFA PROVISIONS RELATING TOO CRIMINAL JURISDICTION. FOREIGN OFFICE HAS ALREADY EXPRESSED CONCERN FOR THIS POSSIBILITY, PARTICULARLY SINCE, IN ITS VIEW, U.S. READINESS TO REFER INCIDENT TO JOINT COMMITTEE

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PROCEDURE ENCOURAGED EXPECTATION THAT U.S. WOULD PERMIT GOJ TO

EXERCISE JURISDICTION. SINCE OPPOSITION IS LOOKING FOR AMMUNITION WITH WHICH TO ATTACK NEW MIKI GOVERNMENT, IT MAY WELL BE TEMPTED TO TRY TO EXPLOIT THIS ISSUE IN DIET DEBATE AND OTHER PUBLIC FORUMS.

2. ON OTHER HAND, IE SHIMA INCIDENT DOES NOT SEEM TO HAVE MAKINGS OF A MAJOR CAUSE CELEBRE. AFTER INITIAL BURST OF INDIGNATION, GENERAL INTEREST DECLINED QUICKLY. THIS MAY HAVE BEEN DUE IN PART TO FAST ACTION IN REFERRING INCIDENT TO JOINT COMMITTEE MECHANISM. HOWEVER, IT PROBABLY ALSO REFLECTS FACT THAT INCIDENT DID NOT INVOLVE DEATH OR SERIOUS INJURY AND THAT INTEREST IN OKINAWAN PROBLEMS HAS WANED SOMEWHAT. WE DO NOT EXPECT REACTION DESCRIBED IN PARA ABOVE, THEREFORE, TO BE LONG-LASTING OR TO CAUSE ANY SERIOUS DAMAGE TO OUR SECURITY TREATY RELATIONSHIP WITH JAPAN. WHILE CRITICISM LASTS, HOWEVER, IT PROBABLY WILL CAUSE SOME EMBARRASSMENT TO GOJ AND POSSIBLY TO OURSELVES SINCE DECISION TO RETAIN JURISDICTION NOT LIKELY TO BE SYMPATHETICALLY RECEIVED OR UNDERSTOOD BY GENERAL PUBLIC.

3. IN ANTICIPATION OF POSSIBILITY THAT FINAL USG DECISION WOULD BE TO RETAIN JURISDICTION, EMBASSY HAS ATTEMPTED OVER PAST SEVERAL MONTHS TO ENCOURAGE FOREIGN OFFICE TO EXPLORE MEANS OF LIMITING ADVERSE POLITICAL IMPACT. IN EMBASSY VIEW, MOST EFFECTIVE COURSE OF ACTION FOR THIS REFUSE WOULD INVOLVE FOLLOWING ELEMENTS: (A) STATEMENT BY JOINT COMMITTEE REGRETTING INABILITY TO REACH AGREEMENT ON DISPOSITION THIS CASE, AT SAME TIME NOTING THAT STEPS HAVE BEEN TAKEN TO PREVENT REPETITION OF SUCH INCIDENTS INCLUDING STRICT CONTROL OF USE OF FLARE GUNS AND CLARIFICATION OF REGULATIONS FOR ENTRY INTO THE RANGE BY LOCAL RESIDENTS; (B) A U.S. STATEMENT TO THE EFFECT THAT IT WILL CONTINUE INVESTIGATION AND TAKE APPROPRIATE ACTION IN ACCORDANCE WITH REGULATIONS AND LAWS GOVERNING THE ACTIVITIES AND DISCIPLINE OF U.S. SERVICEMEN; (C) AND ANNOUNCEMENT THAT RELOCATION OF IE SHIMA RANGE IS UNDER ACTIVE CONSIDERATION. FONOFF, HOWEVER, SO FAR HAS RESISTED CONSIDERATION OF SUCH ALTERNATIVES.

4. EMBASSY SUSPECTS THAT CONTINUING PRESSURE TO OBTAIN JURISDICTION OVER CASE PROBABLY ORIGINATES PRIMARILY IN MINISTRY OF JUSTICE. IT ALSO POSSIBLE, HOWEVER, THAT FOREIGN MINISTER
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MIYAZAWA AND OTHER LEADERS IN NEW MIKI GOVERNMENT ARE RELUCTANT TO TAKE POLITICAL FLAK LIKELY TO BE RAISED IF GOJ RETREATS FROM EFFORT TO OBTAIN JURISDICTION. IT UNCERTAIN, THEREFORE, WHETHER USG DECISION TO REJECT YAMAZAKI'S RECENT INFORMAL PROPOSAL WILL OPEN WAY TO RESOLUTION ALONG LINES PARA 3 ABOVE OR WHETHER GOJ WILL FEEL COMPELLED TO TAKE ISSUE TO LEVEL OF DIPLOMATIC REPRESENTATION IF ONLY TO DEMONSTRATE TO POTENTIAL CRITICS THAT IT CONTINUING TO PRESS JAPAN'S CLAIMS TO JURISDICTION. IF GOJ DOES ELECT TO

PURSUE THIS MATTER THROUGH DIPLOMATIC CHANNELS, CASE WILL CONTINUE
TO FETER AND COULD BE COMPLICATED IF SERVICEMEN INVOLVED MUST
BE PERMITTED TO RETURN TO U.S. BEFORE FINAL RESOLUTION REACHED.
IN ANY CASE, DELAY WHICH HAS HELPED CONTAIN THE PROBLEM UNTIL
NOW WILL BEGIN TO WORK AGAINST US, PARTICULARLY ON OKINAWA,
AS EXPO APPROACHES.
HODGSON

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